



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 5, 2007

Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Michael Góngora
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Times based on the digital recording in the City Clerk's Office.

Because of equipment failure, the audio recording in the City Clerk's office was not done. The meeting was recorded on DVD and a copy is in the Commission Folder. ****Note re-recorded times from the DVD's are listed in italics (below the actual Commission Meeting time).***

- PA1 Certificate of Appreciation/Fire Department & Police Department. (Cruz)
- PA2 Certificate of Appreciation/Fire Inspector George Barreiro for Saving a Life. (Cruz)
- PA3 Certificate of Appreciation/Patrick Pecoraro, Improving Collins Park Neighborhood. (Góngora)
- PA4 Certificates of Appreciation/Miami Beach Firefighters, 911 Emergency Services. (Bower)
- PA5 Proclamation/Art Fernandez, Parks & Recreation Coach. (Cruz)
- PA6 Certificates of Appreciation/Normandy Shores Neigh. & Bayshore Homeowners' Assoc. (Libbin)
- PA7 Certificate of Appreciation/Lamia Jamal Talebani, Activism in Women's/Children's Rights. (Libbin)
- PA8 Keys to the City/Victor Rybalka, Javier Matias, & Wascar Payano, Military Service. (Libbin)
- PA9 Proclamation/Hispanic Heritage Month.
- PA10 Presentation By Mr. Roberto Datorre & Jorge Roman, Sister City Ica, Peru. (Bower)
- PA11 **D**-Certificate of Appreciation/Jimmy L. Morales, Serving as Chief Special Master. (Góngora)
- PA12 Certificate of Appreciation/Nicole Henry, Sing the Anthem for People Killed on 911.(Góngora)

- C2A Request for Approval, Printing of the City of Miami Beach Magazines, \$171,564.
- C2B Request for Approval, Purchase, Install & Tie-Down Modular Building, \$115,337.

- C4A Ref: Neighborhoods/Community Affairs Committee - Atlantic Greenway Network Master Plan.
- C4B Ref: Neighborhoods/Community Affairs Committee - Benefit Fund for Performing Arts.
- C4C Ref: Neighborhoods/Community Affairs Committee - Bust Sculpture at Flamingo Park. (Bower)

- C4D Ref: Land Use & Development Committee - Urban Light Industrial District Ordinance.
 C4E Ref: Neighborhoods/Community Affairs Committee - Vending in the Ocean Drive Corridor.
 C4F Ref: Neighborhoods/Community Affairs Committee - Amend "Animals" Ordinance. (Libbin)
 C4G Ref: Neighborhoods/Community Affairs Committee - N. Bay Rd & 23rd Street Park. (Góngora)
- C6A Report: Finance & Citywide Projects Committee Meeting on July 19, 2007.
 C6B Report: Neighborhoods/Community Affairs Committee Meeting on July 25, 2007.
- C7A Retroactively Submit Grant Funding Requests To Several Funding Agencies.
 C7B Authorize Agreement w/ FPL, Wastewater Booster Pump Station at South Pointe.
 C7C Execute Agreement, Flamingo Park Project.
 C7D Appoint Chief Special Master.
 C7E Appoint M-DC Canvassing Board to Serve for General/Special Elections November 6, 2007.
 C7F Authorize Administration, Videotape & Air on MBTV 77 the Candidate Presentations.
 C7G Accept Recommendation, Banking Services.
 C7H Execute MOA w/ FDOT, Turf & Landscape Maintenance Services on MacArthur Causeway.
 C7I Waive Bidding, Execute New Management Agreement w/ PCM for City's Golf Courses. **5/7**
 C7J Approve Preconstruction Application for Historic Ad Valorem Tax Exemption - 841 19th St.
 C7K Urge FDOT to Effectuate the Naming of the "41st Street Bridge."
 C7L Execute Easement, North Shore Open Space Park from 79th Street to 87th Street.
 C7M Issue Certification of Consistency, Affordable Housing for Elderly Persons w/ Disabilities.
 C7N Waive Bidding, Execute Agreement w/ Salvation Army for Emergency Shelter Beds. **5/7**
 C7O Waive Bidding, Execute Agreement w/ Citrus Health - (2) Mental Health Treatment Beds. **5/7**
 C7P Accept Recommendation, Review of Un-Read, Mis-Read, & Un-Metered Services.
 C7Q Consent to the Appointment of Carlos Noriega as Chief of Police for City Of Miami Beach.
- R2A Request for Approval, Vertical Construction & Horizontal Construction, \$10M Per Contract.
 R2B Request for Approval, Right Of Way Infrastructure Improvement Program, \$9,465,025.
- R5A **10:15 a.m. 2nd Rdg**, Amend Local Business Tax Ordinance.
 R5B **10:20 a.m. 2nd Rdg**, Prohibit Dance Hall/Entertainment Establishment Uses in the CD-1. **5/7**
 R5C **10:25 a.m. 2nd Rdg**, Reconstruction of Contributing Bldgs. Design Review/HP Safeguards. **5/7**
 R5D **10:30 a.m. 2nd Rdg**, Low & Moderate Income Elderly Housing Parking Requirements. **5/7**
 R5E **10:35 a.m. 2nd Rdg**, Allowable Encroachments - Walkways. **5/7**
 R5F **10:40 a.m. 2nd Rdg**, Single Family Partial Demolition Procedures. **5/7**
 R5G **11:15 a.m. 1st Rdg**, Comprehensive Plan Amendment - Public School Facilities Element.
 R5H **11:00 a.m. 1st Rdg**, Cultural Arts Neighborhood District Overlay (CANDO) District. **5/7**
 R5I **1st Rdg**, Designation Timeframes. **5/7**
 R5J **10:05 a.m. 1st Rdg**, "Commission on the Status of Women" Name Change.(Góngora/Bower)
 R5K **3:00 p.m. 1st Rdg**, Prohibit Fishing in Jetty Area between 29th & 33rd Streets. (Cruz)
 R5L **1st Rdg**, Prohibited Signs Over Public Property.
 R5M **2:00 p.m. 1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance - CWA.
 R5N **1st Rdg**, Amend No. 1605, Unclassified Employees Salary Ordinance.
 R5O **2:00 p.m. 1st Rdg**, Amend No. 1335, Classified Employees' Leave Ordinance - CWA.
 R5P **1st Rdg**, Amend No. 1613, Unclassified Employees' Leave Ordinance.
- R7A **W-10:50 a.m.** Approve Proposed Development Agmt, Improvements to Botanical Garden.
 R7B **11:00 a.m. Open/Cont.** Consider After-the-Fact Revocable Permit - 5600 La Gorce Drive.
 R7C **11:30 a.m. Open/Cont.** Affirm Design Review Board Decision, 1330 West Avenue.
 R7D **1st Rdg**, Adopt the Evaluation & Appraisal Report (EAR).
 R7E **2:00 p.m.** Ratify a Three (3) Year Labor Agreement w/ CWA.
 R7F Execute Amendment, Citywide Sanitary Sewer Improvement Projects.
 R7G Adopt BODR for 16th Street Operational Safety Improvements & Enhancement Project.
 R7H **5:05 p.m.** Execute Contract, Construction of the North Beach Recreational Corridor.
 R7I **5:10 p.m.** Call for Special Election, Charter Question re: Hospital District Rezoning. (Bower)
 R7J **5:10 p.m.** Call for Special Election, G.O. Bonds-Purchase "Miami Heart Institute" Sites.(Cruz)
 R7K Execute Amendment, Venetian Islands Neighborhood ROW Improvement Project.
 R7L Execute Agreement, Canyon Ranch Project at 69th Street & Collins Avenue.
- R9A Board & Committee Appointments.
 R9A1 Board And Committee Appointments - City Commission Appointments.
 R9A2 Re-Appoint Leonard Turkel for Commissioner to the MB Housing Authority. (Dermer)
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Discuss: Jetty at South Pointe Park & 21st Street Beach. (Góngora & Libbin)

- R9D Discuss: Increased Street Vendors On Ocean Drive. (Libbin)
- R9E Discuss: Prohibit Foods Containing Artificial Trans Fat in Vending Machines. (Steinberg)
- R9F **10:06 a.m.** Discuss: First Annual South Florida Sleep-A-Thon. (Bower)
- R9G **10:07 a.m.** Discuss: Hialeah Park Race Track. (Bower)
- R9H Discuss: Report & Recommendations for the Ad Hoc Green Committee. (Góngora)
- R9I **D**-Discuss: Ad Hoc Hurricane Taskforce Committee's Recommendation. (Steinberg)
- R9J Discuss: Miami-Dade County Film Office's Budget Shortfall. (Góngora)

- A City Attorney's Status Report.
- B Parking Status Report.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- E1 Minutes: Performing Arts Center Trust Board Meeting on November 8, 2005. (Bower)

- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr District & S. Pointe, June 2007.
- 1B Report: Itemized Revenues/Expenditures of RDA's City Ctr District & S. Pointe, July 2007.

Meeting called to order at 9:33:48 a.m.

Supplemental Materials:

No Supplemental Materials.

Addendums:

No Addendums.

Pledge of Allegiance led by Acting Chief Carlos Noriega.

Invocation given by the new pastor at St. John's on the Lake the Reverend Melissa Pisco.

Commissioner Góngora introduced Ms. Nicole Henry, who sang the National Anthem in honor of those individuals who loss their lives on the September 11 terrorist attack. See Agenda item PA12.

Announcement:

12:43:55 p.m.

Mayor Dermer announced the passing of Joe Fontana on September 3, 2007; he was an activist in the City and involved in politics for many years. The entire City Commission knew him well and have great amount of respect for Joe, because of his volunteerism and the leadership he demonstrated in making the North Shore Youth Center a reality over many years; and the City Commission extends its heartfelt condolences to Joe's family. He will certainly be missed.

Commissioner Góngora stated that Joe worked very hard as an activist for the City for many years. He worked tirelessly for the North Shore Youth Center and this was one of his accomplishments. He was instrumental in having the Center open. This truly is a legacy that Joe left behind for everyone to enjoy it. He added that Joe and his late wife Flora would have been honored to know the fruits of his labor and stated that at the next meeting he will be introducing legislation renaming the Youth Center in honor of Joe and Flora Fontana. He added that Joe ran many times for Miami Beach City Commission and this honor will be delivered post- humously during the mass being held on Thursday, September 6 at Saint Joseph's, where he will be named an "Honorary Miami Beach City Commissioner."

Presentations and Awards**10:05:30 a.m.****1:11:21 p.m.**

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Fire Department And Police Department In Commemoration Of 911.

(Requested by Commissioner Simon Cruz)

ACTION: Certificates presented.

Commissioner Cruz stated that we could not let the day go by without commemorating both the Police and Fire Departments because they do what they have to do to protect the citizens regardless of the circumstances. On behalf of the City of Miami Beach, the City Commission and residents, he commended the sworn members of the Police and Fire Departments for their dedication and contribution to the City and presented both departments with Certificates of Appreciation in commemoration of the sixth anniversary of September 11th.

Chief Jordan thanked the City Commission and accepted the award.

Adonis Garcia, Fire Fighter, thanked the City Commission.

10:15:05 a.m.**1:20:08 p.m.**

PA2 Certificate Of Appreciation To Be Presented To Fire Inspector George Barreiro For Saving A Life.

(Requested by Commissioner Simon Cruz)

ACTION: Certificate presented.

Commissioner Cruz explained that while performing a routine fire inspection at The Forge Restaurant, Inspector Barreiro observed a customer choking and he immediately performed the Heimlich maneuver and was able to save the person's life. He congratulated him for his services.

10:24:05 a.m.**1:28:59 p.m.**

PA3 Certificate Of Appreciation To Be Presented To Patrick Pecoraro For His Community Efforts For Improving The Quality Of Life In The Collins Park Neighborhood.

(Requested By Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora stated that sometimes it is appropriate to recognize every-day people that do simple tasks to improve the neighborhood, and for the past five years, Patrick has taken ownership of the City's right-of-way along Lake Pancoast Drive to the foot bridge leading to Collins Avenue at 24th Street. The area was neglected and overgrown with weeds; he sods the area, mows and edges three times a week and keeps the area in top shape and; thereby, he has improved the quality of life in this neighborhood.

Patrick Pecoraro spoke.

9:59:43 a.m.

1:22:48 p.m.

PA4 Certificates Of Appreciation To Be Presented To The Following Miami Beach Firefighters: William (Bill) McCane, David Cajuso And Sam Spadone, For Their Valuable And Important Service While Performing Their Duties On Rendering 911 Emergency Services.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Certificates presented.

Vice-Mayor Bower announced that today is "Fire Fighters Day" and stated that she received a letter from Larry Herrup narrating his personal experience. She continued saying that although this was a routine happening in the City's departments, it shows the every day "little things" that happen in our community make the City's public safety and all departments special. She called on the names of recipients.

Larry Herrup explained that he spent a lot of time in the City volunteering and working with the Budget Advisory Committee for a number of years and working with the fire fighters and Fire Chief; he added that too often they forget to thank the people that are transparent to the well being of the citizens of Miami Beach, and all too often people complain. He continued stating that his mother-in-law had an accident at home and refused going to the doctor, but the services performed by the recipients of these award were unremarkable. They put her at ease and he thanked them for their dedication and service.

Mayor Dermer thanked Mr. Herrup.

William (Bill) McCane thanked Mr. Herrup and the City Commission on behalf of his team.

9:59:43 a.m.

1:04:29 p.m.

New item:

Mayor Dermer presented a remembrance proclamation requested by the Fire Department staff.

Adonis Garcia, Fire Fighter, thanked Mayor Dermer and stated that it is appropriate to recognize one of their own fire fighters, Lieutenant James Amato, who lost his brother on September 11th, in New York.

Mayor Dermer recalled that six years ago there was a lot going on in Lieutenant Amato's life during the September 11th attacks. He stated that the City Commission appreciates the lieutenant's dedicated service. He read the proclamation on behalf of the City of Miami Beach honoring the late "Battalion Chief" James M. Amato.

10:09:54 a.m.

1:16:10 p.m.

PA5 Proclamation To Be Presented To Art Fernandez For His Dedication As Parks & Recreation Coach Throughout The Years.

(Requested by Commissioner Simon Cruz)

ACTION: Proclamation presented.

Commissioner Cruz explained that there is another sector of the community that sometimes goes unheralded and unnoticed, and those are the people entrusted with our most prized possession, our children. This department specializes and focuses on helping raise happy, well-adjusted children. Today the City honors an individual who has served for over the past 20 years, to help our children, and who will be sorely missed. "Coach Art" for the past 24 years has been dedicated to the City's Recreation Department and has touched the lives of many children. He has always handle challenges with grace and humor with a deep love for the kids, and there is no greater joy and comfort to know that there are such dedicated individuals dedicated to our children. He proclaimed today, September 5th, "Art Fernandez Day" in the City of Miami Beach.

Coach Art Fernandez thanked the City Commission, Kevin Smith, Julio Magrisso and department staff.

10:26:59 a.m.

1:32:17 p.m.

PA6 Certificates Of Appreciation To Be Presented To Normandy Shores Neighborhood Association, And Bayshore Homeowners' Association, For Partnering With Law Enforcement To Improve The Safety And Quality Of Life In Miami Beach.

(Requested By Commissioner Jerry Libbin)

ACTION: Certificates presented.

Commissioner Libbin introduced the item.

Police Chief Noriega stated that these neighborhood associations have been phenomenal to work with and they established great partnerships with the Police Department, and have solved crime, problems and issues together which make a better community and a better neighborhood.

Police Captain Acosta spoke.

Bruce Sandal, Police Officer, spoke.

Julio Blanco, Police Officer, spoke.

John Corey, Bayshore Homeowners' Association, spoke.

Julio Blanco, Police Officer, explained the issues facing the neighborhoods and congratulated Daniel Veitia.

Daniel Veitia, Normandy Shores Neighborhood Association, spoke.

Eric Schwine, President, Normandy Shores Neighborhood Association, spoke.

Daniel Veitia donated "clickers" to open the gate to the island so that police officers can have easy and quick access.

10:48:38 a.m.

1:54:24 p.m.

- PA7 Certificate Of Appreciation To Be Presented To Ms. Lamia Jamal Talebani For Her Activism In Women's And Children's Rights Worldwide.
(Requested By Commissioner Jerry Libbin)

ACTION: Certificate presented.

Commissioner Libbin stated the unique story of Ms. Talebani, who was born in Iraq and studied at the University of Bagdad; became very outspoken and active in all human and women's rights and after graduation, both her and her husband were arrested, became an ex-patriot for over 40 years until her return in 2003. He continued explaining that Ms. Talebani turned to another form of expression, as a talented artist, using this form of art to convey her message and advocacy to women and issues through that media. After returning to Iraq she founded the Voice of Independent Women Organization which today has over thousands of members.

Ms. Lamia Jamal Talebani spoke.

Dr. Barry Ragone announced that Friday, September 7th, there will be a luncheon where Lamia Jamal will speak at the Miami Beach Botanical Garden on issues of women's rights and to discuss her art, as well as the story of how her bronze pieces arrived to Miami Beach.

Handout or Reference Materials:

1. CD from Voice of Independent Women Organization – Because Iraq Will Endure...

10:43:23 a.m.

1:49:23 p.m.

- PA8 Keys To The City To Be Presented To Victor Rybalka And Javier Matias, And Wascar Payano In Appreciation For Their Military Service.
(Requested By Commissioner Jerry Libbin)

ACTION: Keys presented.

Victor Rybalka spoke.

Police Chief Noriega spoke.

11:20:37 a.m.

2:26:27 p.m.

- PA9 Proclamation To Be Presented In Honor Of Hispanic Heritage Month.
(City Manager's Office)

ACTION: Proclamation presented.

Mayor Dermer proclaimed the month of September 15 – October 15, 2007 Hispanic Heritage Month. He explained that during this month the City will celebrate the rich and diverse Hispanic culture.

Jose Aleman, Hispanic Affairs Committee Chair, spoke.

Nannette Rodriguez, Community Relations Officer, announced that the City Hall gallery on the fourth floor will be exhibiting artwork from local Hispanic artists during this time.

10:59:43 a.m.

2:05:19 p.m.

PA10 Presentation By Mr. Roberto Datorre, President Of Miami Beach Community Development Corporation And Jorge Roman, Consul Of Peru In Miami, Regarding The Recent Devastation Endured By Our Sister City Ica, Peru When Suffering Several Major Earthquakes, And The Positive Use Of The City Of Miami Beach Equipment Previously Donated By Our Fire Department To Assist In Rescue Missions In That Country.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Presentation made.

Vice-Mayor Bower introduced Roberto Datorre and Jorge Roman, Consul of Peru, to explain what has been done with what the City has donated to Peru.

Roberto Datorre stated that the country of Peru suffered a devastating earthquake, the center of which was Ica and Pisco, Sister Cities of Miami Beach. In the past the City of Miami Beach has donated fire vehicles, and during the earthquake these donated vehicles provided emergency services and constant service to small towns around Ica for medical services. He added that anything the City can do to help Sister City Ica, would be appreciated.

Consul of Peru Jorge Roman recognized Florida for being one of the largest donors in the world in assisting the victims of Peru.

A video was shown of Sister City Ica, Peru, after the earthquake.

Mayor Dermer thanked Roberto Datorre and his family for the many years of service to the City and stated that Miami Beach is very appreciative for the opportunity to be able to help.

PA11 Certificate Of Appreciation To Be Presented To Jimmy L. Morales For Serving As Chief Special Master For The Past Two Years.

(Requested By Commissioner Michael Góngora)

ACTION: Deferred.

9:38:56 a.m.

12:43:29 p.m.

PA12 Certificate Of Appreciation To Be Presented To Nicole Henry, Who Will Sing The Anthem To The People Who Were Killed On 911.

(Requested By Commissioner Michael Góngora)

ACTION: Certificate presented.

Commissioner Góngora introduced Nicole Henry.

Nicole Henry sang the national Anthem in honor of those who died on September 11th.

CONSENT AGENDA

ACTION: Motion made by Commissioner Góngora to approve the Consent Agenda; seconded by Commissioner Gross; Voice vote: 7-0.

C2 - Competitive Bid Reports**11:25:41 a.m.****2:30:42 p.m.**

- C2A Request For Approval To Accept The City Manager's Recommendation Relative To The Top-Ranked Printer, Solo Printing, Inc.; Authorize Negotiations With Solo Printing; And Further Authorize The Mayor And City Clerk To Execute A Contract Upon Completion Of Successful Negotiations By The Administration, Pursuant To Invitation To Bid 45-06/07, For The Printing Of The City Of Miami Beach Magazines, At A Not To Exceed Annual Amount Of \$171,564.
(Communications Office)

ACTION: Item separated for discussion by Commissioner Libbin. Motion made by Vice-Mayor Bower and approved without objection. 7-0. **Hilda Fernandez to handle.**

Commissioner Libbin separated this item because the public should be informed of the green initiatives that are being done within the City.

- C2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 33-06/07, For The Purchase, Installation And Tie-Down Of A Modular Building, To Modtech Holdings, Inc., In The Amount Of \$115,337.
(Parks & Recreation)

ACTION: Request authorized. **Kevin Smith to handle.**

Handout or Reference Material

1. Color photo of a typical Modtech Modular building exterior, proposed site plan and proposed floor plan.

C4 - Commission Committee Assignments**11:27:23 a.m.****2:31:42 p.m.**

- C4A Referral To The Neighborhoods/Community Affairs Committee - Request For Approval Of The Atlantic Greenway Network Master Plan.
(Public Works)

ACTION: Referred. Item separated for discussion by Commissioner Libbin. Motion made by Commissioner Libbin; seconded by Vice-Mayor Bower and approved without objection. 7-0; Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

Commissioner Libbin introduced Gabrielle Redfern.

Gabrielle Redfern stated that the bike master plan is moving forward and she thanked everyone for their support.

Mayor Dermer thanked Gabrielle for her leadership.

Handout or Reference Material

1. Color Map titled "Miami Beach Atlantic Greenway Network"

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion On The Process for Administering The Powers And Duties With Respect To The Community Benefit Fund For Performing Arts.

(Tourism & Cultural Development)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Placement Of A Bust Sculpture Of Dr. Peritz Scheinberg At Flamingo Park.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

- C4D Referral To The Land Use And Development Committee - Urban Light Industrial District: An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Clarifying Purpose And Permitted Uses; Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Adding The I-1 District As A District Permitting Garages As A Main Use; Providing For Repealer, Severability, Codification And An Effective Date.

(Planning Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

1127:27 a.m.

2:33:20 p.m.

- C4E Referral To The Neighborhoods/Community Affairs Committee - A Proposed Amendment To Section 86-141-175, Entitled Nonprofit Vending And Distribution; To Liberalize Vending In The Ocean Drive Corridor To Include Artist Vendors/Street Performers.

(Neighborhood Services)

ACTION: Heard in conjunction with item R9D. **Referred.** Commissioner Libbin separated the item for discussion to be heard in conjunction with item R9D. Motion made by Commissioner Libbin and approved without objection. 7-0. **Vivian Guzman to place on the committee agenda and to handle.**

Commissioner Libbin requested Hilda Fernandez, Assistant City Manager, to explain the item.

Hilda Fernandez, Assistant City Manager, explained that staff has been in contact with the Ocean Drive Association and dealing with many of the merchants on Ocean Drive in response to recent complaints of the increased number of street vendors on Ocean Drive. The feeling is that many of the vendors are vendors that were not able to obtain permits on Lincoln Road and have relocated to Ocean Drive. As was explained to the Ocean Drive Association it is not permitted in the City Code to peddle commercial products on Miami Beach anywhere in the City on the sidewalks. Subsequently to meeting with the Ocean Drive Association, the Administration and Legal Department met to determine if any adjustment can be made to the Code to address Ocean Drive and the proliferation of vendors. The Legal Department has stated that the City Code prohibits the placement of any tables on the West side of Ocean Drive and the sidewalks can not be obstructed. The Code Compliance Officers were directed to enforce this Code provision which prohibits the placement of any obstruction on the West sidewalk of Ocean Drive. She added that in terms of the east sidewalk, the recommendation is to amend the existing nonprofit vending ordinance to liberalize it to permit vending position for artist vendors and use the lottery process for the locations identified. Currently there are five locations in the City where tables can be setup; three are on Ocean Drive. The Administration will recommend liberalizing the ordinance by permitting at least three more tables for artist's vendors on Ocean Drive in the same location as the T-shirt vendors. This will be presented to

T-shirt vendors and to the Neighborhood/Community Affairs Committee.

- C4F Referral To The Neighborhoods/Community Affairs Committee - An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-16; Providing For Repealer, Severability, Codification, And An Effective Date.
(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Vivian Guzman to place on the committee agenda and to handle.

- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding North Bay Road And 23rd Street Park.
(Requested By Commissioner Michael Góngora)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Kevin Smith to handle.

C6 - Commission Committee Reports

- C6A Report Of The Finance And Citywide Projects Committee Meeting On July 19, 2007: **1)** Discussion Regarding FY 2007/08 Proposed Operating Budget.

ACTION:

Item No. 1:

Continue to look for alternatives to balance the Operating Budget. Kathie Brooks to handle.

- C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On July 25, 2007: **1)** Discussion Regarding Lights In Pinetree Park; **2)** Legislation Proposed By La Gorce Neighbors; **3)** Discussion Regarding City's Involvement With The Installation Of An Underwater Eco Friendly Sculpture East Of Marjory Stoneman Douglas Ocean Beach Park; **4)** Discussion Regarding Prohibiting Commercial Banners North Of The Eden Roc Hotel And South Of 63rd Street; And **5)** Discussion Regarding The Progress Of The North-End Police Sub Station.

ACTION:

Item No. 1

ACTION: The committee moved to direct the following:

- Kevin Smith is to discuss the shrubbery choices for the screening of the chain link fences in the park with the residents and Mr. Gary Hunt.
- Police should look into cleaning up or removing the tires and replacing the boxes for the K-9 training area.
- Police to handle the education and enforcement of the off-leash law with enforcement to begin by September 1, 2007.
- Staff to determine another mechanism to aide in the collecting of the fines, such as attaching the fines to parking permits issued by the City.

Kevin Smith and Chief Noriega to handle.

Item No. 2:

ACTION: Commissioner Libbin moved to have the board at the LaGorce Country Club meet to discuss the concerns brought up here today and provide a statement to be incorporated into a memorandum of understanding so that the city can assure its residents of the way the view will be treated and return to the next Neighborhoods/Community Affairs Committee meeting.

Item No. 3:

ACTION: The committee moved to defer the item until there is an actual project to discuss.

Item No. 4:

ACTION: Commissioner Gongora moved to bring to this item to the Commission level, provide adequate notice to the condos in the area to address this as a whole and suggested that Mr. Fontana get the boards of the condominium buildings to pass a resolution to bring to the commission meeting in September.

City Clerk's note: See Agenda item R5L

Item No. 5:

ACTION: No action was taken.

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee Retroactively Approving And To Submit The Following Grant Funding Requests: 1) Federal Mediation And Conciliation Service For Funding, In An Amount Not To Exceed \$125,000, For The Labor Management Cooperation Program; 2) Visitor And Convention Authority, For Funding, In An Amount Not To Exceed \$30,000, For The City's "Sleepless Night" Event; 3) Department Of Homeland Security, For Urban Area Security Initiative (UASI) Funding, In An Amount Not To Exceed \$550,000, For Fiscal Year (FY) 2006/07; And, 4) Department Of Homeland Security, For Urban Area Security Initiative (UASI) Funding, In An Amount Not To Exceed \$400,000, For FY 2007/08 Funding For The City's Homeland Security Needs; Further Appropriating All The Above Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26607 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7B A Resolution Authorizing An Agreement With Florida Power And Light (FPL), To Relocate Existing Power Lines, In Preparation For The New Wastewater Booster Pump Station At South Pointe.
(Capital Improvement Projects)

ACTION: Resolution No. 2007-26608 adopted. Jorge Chartrand to handle.

- C7C A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement For Professional Services With Wolfberg Alvarez And Partners, In An Amount Not To Exceed \$443,000, For Architectural, Engineering, Urban Design, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Phases For The Flamingo Park Project; With Previously Appropriated Funding For Design And Engineering From G.O. Parks Bond Account 370-2320, And Miami-Dade County G.O. Bond Account 390-2320.
(Capital Improvement Projects)

ACTION: Resolution No. 2007-26609 adopted. Jorge Chartrand to handle.

11:18:34 a.m.

2:24:23 p.m.

C7D Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Judge Mario P. Goderich, To Serve As Chief Special Master, For A Term Commencing On September 5, 2007, And Ending On March 4, 2008; Provided Further That Chief Special Master, Judge Goderich Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2007-26610 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote 7-0. Robert Parcher to handle.

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Judge Mario P. Goderich, (Chief Special Master Appointed Pursuant To Resolution No. (2007-26610), As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Judge Goderich's Term As Chief Special Master On September 5, 2007, And Ending On March 4, 2008.
(City Clerk's Office)

ACTION: Resolution No. 2007-26611 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote 7-0. Robert Parcher to handle.

Mayor Dermer thanked Jimmy Morales, the previous Chief Special Master, for his service to the City and welcomed Judge Goderich.

Judge Mario Goderich spoke.

Jorge Gonzalez, City Manager, stated that Judge Goderich is well respected in his field and the City is fortunate to have him serve as the Chief Special Master. Not only is he a beach resident, with a long and distinguished career, but his involvement with the community makes him an ideal candidate.

Handout or Reference Materials:

1. Email from Raul Aguila dated August 16, 2007 to Jorge Gonzalez RE: Request from City Attorney/Judge Mario Goderich.

- C7E A Resolution Appointing And Authorizing, At The Request Of The Miami-Dade County Elections Department, The Miami-Dade County Canvassing Board To Serve As Canvassing Board For The General And Special Elections Of The City Of Miami Beach To Be Held On November 6, 2007.
(City Clerk's Office)

ACTION: Resolution No. 2007-26612 adopted. Robert Parcher to handle.

- C7F A Resolution Authorizing The Administration To Videotape And Air On MBTV 77 The Mayor And Group IV, V, And VI Commission Candidate Presentations For The November 6, 2007 General Election.

(City Clerk's Office)

ACTION: Resolution No. 2007-26613 adopted. Robert Parcher and Hilda Fernandez to handle.

- C7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 37-06/07, For Banking Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Suntrust Bank, And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer; Authorizing Negotiations With The Second-Ranked Proposer, Wachovia Bank; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Finance Department)

ACTION: Resolution No. 2007-26614 adopted. Patricia Walker to handle.

- C7H A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Memorandum Of Agreement (MOA) With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-395 (MacArthur Causeway) From The East Side Of Watson Island To West Side Of The East Channel Bridge, At The Annual Cost Of \$150,000 To Be Paid To The City By FDOT; Said Agreement Commencing On September 1, 2007, And Concluding On August 31, 2008, With An Option To Renew For Two Years, On A Year-To-Year Basis.

(Parks & Recreation)

ACTION: Resolution No. 2007-26615 adopted. Kevin Smith to handle.

11:31:13 a.m.

2:37:10 p.m.

- C7I A Resolution Approving, By 5/7ths Vote, A Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute A New Management Agreement Between The City And Professional Course Management II, LTD. (PCM), Under Substantially The Same Terms And Conditions As The Prior Management Agreement With PCM, Dated October 1, 2003, For The Comprehensive Management And Operation Of The City's Golf Courses, Clubhouses And Related Facilities, (The Miami Beach Golf Club, The Normandy Shores Golf Club, And Par 3 Golf Course, Respectively); Said New Agreement Having An Initial Term Of Three (3) Years, Commencing On October 1, 2007, And Concluding On September 30, 2010, With An Option To Renew, At The City's Sole Discretion, For An Additional Two (2) One Year Terms; Provided Further That, In Consideration Of The Parties' Intent To Approve And Execute The New Management Agreement, The Prior (Existing) Management Agreement Shall Expire And Terminate, Without Liability To Either Party, On September 30, 2007.

(Parks & Recreation)

ACTION: Item separated by Commissioner Libbin. Resolution No. 2007-26616 adopted. Kevin Smith to handle. Motion by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-1; Opposed: Commissioner Libbin.

Commissioner Libbin separated the item because the Commission is being asked to waive the renewal on the management of the City's golf courses. He stated that he thinks that PCM has done a great job. He is concerned about the incentive bonus clause in the contract, which is the same

incentive bonus which was approved five (5) years ago. He stated that over the last several years the golf course fees have been raised significantly and he believes the incentive bonus should also be increased.

Robert Middaugh, Assistant City Manager, stated that the agreement extension is being recommended because of the quality of service provided by PCM which drives the revenues. If it were not for their efforts on the City's behalf we would not have a successful golf course. He stated that the Administration thought it was fair with regards to this extension to maintain the same terms and conditions in this contract. In addition, this contract also covers the Normandy Golf Course when it opens and it is anticipated that Normandy will probably lose money.

Discussion continued.

Johnny LaPonzina, President of PCM, spoke.

Commissioner Libbin stated that he believes PCM is doing a great job but cannot support approving the contract because of the way it is structured.

Jorge Gonzalez, City Manager, stated that this is the fifth year of the contract, and this item extends the contract for an additional five (5) years. The base rate has remained flat for the last five (5) years and will remain flat going forward. By the end of this term the base is going to be a ten (10) year old base. He added that in this case going out to bid is secondary; the primary reason not to bid this is because of PCM's performance, quality of service, the growth period and the opening of the Normandy Golf Course. PCM has put into place a marketing program that has exceeded all expectations.

- C7J A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 841 19th Street, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.
(Planning Department)

ACTION: Resolution No. 2007-26617 adopted. Jorge Gomez to handle.

11:13:09 a.m.

2:19:13 p.m.

- C7K A Resolution Urging The Florida Department Of Transportation (FDOT) To Take Any And All Actions, As Required, To Effectuate The Naming Of The Bridge Located At Indian Creek Drive And West 41st Street (The "41st Street Bridge"), In The City Of Miami Beach, As Approved And Consistent With Senate Bill 138.

(Public Works)

ACTION: Resolution No. 2007-26618 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Gross stated that Jonathan Blum had contacted his office requesting to re-install the sign naming the 41st Street bridge in honor of his father. The State of Florida was involved, and through the cooperation of former commissioner and now State Representative Luis R. Garcia, a State Bill was approved proclaiming that 41st Street bridge to be named the Robert L. Blum Bridge. He presented the sign to Jonathan Blum.

Mayor Dermer gave a special recognition to Judges Harvey Ruvin and Howie Gross for their assistance in securing this designation.

Jonathan Blum thanked everyone on behalf of his family for their assistance in getting this done.

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Easement Between The City, As Grantor, And The State Of Florida Department Of Transportation (FDOT), As Grantee, For An Approximately One Foot Wide Strip Of Land In North Shore Open Space Park, From 79th Street To 87th Street, Abutting The East Side Of Collins Avenue, And For An Approximately One Foot Wide Strip Of Land, From 85th Street To 87th Street, Abutting The West Side Of Collins Avenue (Said Easement Area(s) As Further Specifically Delineated In Attachment "A" To The Easement); Said Easement For The Purpose Of Constructing And Maintaining New ADA Compliant Six(6) Foot Wide Public Sidewalks, As Part Of The FDOT ADA Intersection And Sidewalk Improvements Project Along Collins Avenue, From 79th Street To 87th Street; And Further Authorizing The City Manager Or His Designee To Execute Temporary License Agreement With FDOT For The Purpose Of Permitting FDOT To Use The Adjacent Approximately Five (5) Foot Wide Strip Of Land Adjacent To The Foretasted Easement Area(s) During Construction Of The Project.

(Public Works)

ACTION: Resolution No. 2007-26619 adopted. Fred Beckmann to handle.

- C7M A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) As Part Of A Home Investment Partnerships Program (HOME) Funding Award To HACMB Of \$2,762,100 Directly From The Florida Housing Finance Corporation (FHFC), To Fund Development Costs For Thirty (30) New One-Bedroom Units Of Affordable Housing For Elderly Persons With Disabilities Located At 321-327 Michigan Avenue, Miami Beach, Florida.

(Neighborhoods Services)

ACTION: Resolution No. 2007-26620 adopted. Vivian Guzman to handle.

- C7N A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The City Manager To Execute An Agreement With The Salvation Army, In The Amount Of \$195,640, For The Provision Of Emergency Shelter Beds To The City Of Miami Beach's Homeless Population.
(Neighborhoods Services)

ACTION: Resolution No. 2007-26621 adopted. Vivian Guzman to handle.

- C7O A Resolution Waiving The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The City Manager To Execute An Agreement With Citrus Health Network, Inc., In The Amount Of \$47,450, For The Provision Of Two (2) Beds To Be Used To Provide Substance Abuse And Mental Health Treatment Beds To The City's Homeless Population.
(Neighborhood Services)

ACTION: Resolution No. 2007-26622 adopted. Vivian Guzman to handle.

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 42-06/07, For The Review Of Water, Sewer, And Stormwater Utility For Un-Read, Mis-Read, And Un-Metered Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Meter Reading Specialists, Inc D/B/A Revenue Enhancement Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, ISI Water Company D/B/A Water Company Of America; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Public Works)

ACTION: Resolution No. 2007-26623 adopted. Fred Beckmann to handle.

9:42:39 a.m.

12:47:05 p.m.

C7Q A Resolution Consenting To The Appointment Of Carlos Noriega As Chief Of Police For The City Of Miami Beach.

(City Manager's Office)

ACTION: Chief of Police Carlos Noriega was sworn in by Judge Israel Reyes. Resolution No. 2007-26624 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote 7-0. **Ramiro Inguanzo to handle.**

Mayor Dermer stated that this is a very special day for Carlos, his family, and the City. Carlos grew up on Miami Beach, attended Miami Beach schools, and has been on the force as a stellar officer for over 23 years and the City is fortunate to have him.

Jorge Gonzalez, City Manager, gave a brief history of Carlos Noriega's career and explained how he worked his way up through the ranks to Captain, Major and Assistant Chief; and has been in the capacity of Acting Chief for about six months. Carlos is a popular choice and has earned the position; not only has he taken on challenges during major event such as Memorial Day, the City budget process, and working with unions, but as Acting Chief he also setup his command structure. During his tenure with the City, he worked hard to improve himself; he is a graduate of St. Thomas University with a bachelor's in Arts/Criminal Justice and has also received his Master's Degree to prepare himself for this position. Carlos is also a graduate of the FBI Academy. He added that Carlos has exhibited the leadership and capacity necessary for this position and is confident that he will take the Police Department to the next level. He presented Carlos as the next Police Chief of Miami Beach.

Judge Israel Reyes performed the oath ceremony.

Police Chief Noriega stated that this is a surreal moment for him; he feels extraordinarily blessed in both his professional and personal life, and added that he is fortunate to have his parents, Joseph and Hilda, with him today in the audience. He thanked his wife Sally, who has always believed in him, and his three children. He added that he works for an amazing City Manager and a dynamic Mayor and City Commission and also with some of the best group of professionals in government and in law enforcement; he continued saying that this is an incredible opportunity to affect change and improve performance in the department with the new generation of police officers in the City. He is fortunate to have the support of this department, community, friends and family and stated that he is forever grateful to Chiefs Barreto and De Lucca for preparing him for this appointment. He also thanked other police agencies for their support, the FOP, Robert Jenkins and other unions and various associations for their unwavering support.

Handout or Reference Material

1. Police Chief Carlos E. Noriega's Accomplishments and Resume
2. Police Chief Carlos Noriega's Oath

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****1:40:11 p.m.****4:46:54 p.m.**

R2A Request For Approval To Award Job Order Contracts To The Following General Contractors Pursuant To Invitation To Bid ("ITB") No. 35-06/07 For Vertical Construction: 1) Miami Skyline Construction Corp., 2) BDI Construction, 3) BMA Construction, GEC Associates, And 4) Team Contracting, ITB No. 36-06/07 For Horizontal Construction: 1) Acosta Tractors Inc., 2) Alpine Construction, 3) CW Construction, 4) Envirowaste Services Group, 5) Tran Construction, 6) Metro Express, 7) RIC-Man International, And 8) Unitech Builders, Corp; And Authorize The Administration To Enter Into Negotiations With The Recommended General Contractors, And Upon Completion Of Successful Negotiations By The Administration, Authorize The Mayor And City Clerk To Execute Contracts As Form Approved By The City Attorney's Office, At \$10 Million Per Contract.
(Procurement)

ACTION: Award approved. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower, Voice vote: 7-0. Gus Lopez to handle.

Handout or Reference Material

1. Letter to Mr. Henry Angelo III, H.A. Contracting Corporation from Jorge M. Gonzalez, City Manager, dated September 4, 2007 RE: JOC ITB No. 35-06/07 for Vertical Construction and ITB No. 36-06/07 for horizontal construction (the "Bid.")

1:41:42 p.m.**4:48:27 p.m.**

R2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 40-06/07, For City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 4, Normandy Isle And Normandie Sud, Accepting The City Manager's Recommendation Relative To The Ranking Of Contractors, And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Contractor, Horizon Contractors, Inc. In The Not To Exceed Amount Of \$9,465,025; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Horizon Contractors, Inc., Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Contractor, Lanzo Construction Co., And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Lanzo Construction Co., Authorizing The Administration To Enter Into Negotiations With The Third-Ranked Contractor, Ric-Man International And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Ric-Man International, Authorizing The Administration To Enter Into Negotiations With The Fourth-Ranked Contractor, Tran Construction; And Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Capital Improvement Projects)

ACTION: Award approved. Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote: 7-0. Jorge Chartrand to handle.

R5 - Ordinances**12:29:13 p.m.****3:35:17 p.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 102, Entitled "Taxation;" By Amending Article V, Therein, Entitled "Local Business Tax;" Amending Section 102-379, Therein, Entitled "Schedule Of Taxes," By Adding Additional Business Tax Receipt Codes And Clarifying Language; Providing For Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing.**

(Finance Department)
(First Reading on July 11, 2007)

ACTION: Public Hearing opened and continued to October 17, 2007 at 10:15 a.m., and the ordinance was referred to the Finance and Citywide Projects Committee without objection. Patricia Walker to place on the committee agenda and to handle. Lilia Cardillo to place on the October 17 Commission Agenda.

David Kelsey spoke.

Commissioner Gross asked if under the category of musician it will require every member of a band to have a license.

Patricia Walker, Chief Financial Officer, explained that the categories being added are categories that have come up from time to time and there is not an appropriate category to issue a license. This ordinance simply is seen as adding business categories.

Commissioner Steinberg asked if a band is hired to perform at a wedding in Miami Beach, but they are not located in Miami Beach, do they need to have a license for the one performance?

Richard Lorber, Planning Department, stated that if they are not located in Miami Beach they do not need the license.

Motion made by Commissioner Gross to remove the category of musicians. No second offered and the discussion continued.

Vice-Mayor Bower stated that she has a problem with some of the categories such as the different categories under doctors (hospital staff), doctors (physician's assistant), pet walking, etc.

Jorge Gonzalez, City Manager, stated that these categories are being added because people have tried to obtain a business license such as for dog walking, etc., and were issued a license under a general category such as a personal service license.

Motion made by Commissioner Libbin to refer the item to the Finance and Citywide Projects Committee to review the categories.

Jorge Gonzalez, City Manager, explained that the underlined items are the new titles and these titles came about because people are coming in and requesting a license under these new categories.

Commissioner Libbin asked if the referral should address only the new categories.

Vice-Mayor Bower requested reviewing the entire list.

Mayor Dermer stated that the item is opened and continued to the October 17, 2007 Commission Meeting with the referral to the Finance and Citywide Projects Committee without objections.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 448

2. List of amendments to ordinance distributed at the dais

12:12:34 p.m.

3:18:38 p.m.

R5B An Ordinance Amending The Land Development Regulations, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 4, "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses," To Prohibit Dance Hall And Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Planning Department)

(First Reading Public Hearing on July 11, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3565 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

David Kelsey spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 445
2. Letter from Ms. Patricia Kurland

12:41:03 p.m.

3:47:06 p.m.

R5C Reconstruction Of Contributing Buildings Design Review & Historic Preservation Safeguards An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Procedures And Requirements For The Retention Of A Nonconforming Structure, By Amending Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-561 To Create A Conditions And Safeguards Section For Certificates Of Appropriateness, By Amending Section 118-564 To Modify The Requirements For Obtaining A Demolition Permit, By Amending Article VI, "Design Review Procedures", By Creating Section 118-264 To Address Conditions And Safeguards For Design Review Approval; Providing For Repealer; Codification; Severability And An Effective Date. **10:25 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on July 11, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3566 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 5-2; Opposed: Commissioners Libbin and Góngora. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Commissioner Libbin asked the Planning Department staff to discuss this matter further. He stated that there was an inaccuracy in the presentation at the July 11, 2007 Agenda, where it represented to the City Commission that the Historic Preservation Board (HPB) disagreed with the Administration's recommendation in terms of the requirements to increase the size of the hotel rooms if there was more than a 50% rehab in the building. The item went back in front of the HPB and they supported this resolution, and the board unanimously agreed in keeping out the requirements, but disagreed and recommended against the Administration's recommendation, as it is a disincentive to the property owners.

Jorge Gomez, Planning Director, stated that this section of the code is a scrivener's error and

explained that in the late 1990's there was clarification that the residential units also include hotel units, but the City failed to add in both paragraphs, but there was no policy discussion made at that time. He continued stating that this oversight is what they are trying to correct with this ordinance.

Discussion held.

Commissioner Gross explained that the Board of Adjustment (BOA) grants variances from time to time in these situations, and it's rare that a project of major magnitude on a big renovation does not go in front of the BOA.

Commissioner Libbin expressed his concern with regards to the small hotels.

Discussion continued.

Commissioner Gross explained that this section has been in the Code for 25 or 30 years and there never has been an issue; the variance process works fine and if it creates a hardship on somebody by severely reducing the number of rooms the BOA tell them don't do it and Planning recommends it to the BOA.

Discussion continued.

Motion by Commissioner Gross, seconded by Commissioner Steinberg to adopt the ordinance.

Discussion continued.

David Kelsey, South Beach Hotel and Restaurant Association, spoke.

Commissioner Cruz stated that the movement, from an economic perspective, has been to consolidate or combine rooms.

Commissioner Góngora explained that small hotels can go to the BOA but they will have the additional expenses and the City is creating another mechanism to add another financial burden.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 448

12:58:59 p.m.

4:05:05 p.m.

R5D Low And Moderate Income Elderly Housing Parking Requirements
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article II "Districts; Requirements" Amending Section 130-32 "Off-Street Parking Requirements For Parking District No. 1" And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4" By Reducing The Parking Requirements For Housing For Low And/Or Moderate Income Elderly; Providing For Repealer; Codification; Severability And An Effective Date. **10:30 a.m. Second Reading Public Hearing.**

(Planning Department)
(First Reading on July 11, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3567 adopted. Motion made by Commissioner Góngora, seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 448

1:00:04 p.m.

4:06:19 p.m.

R5E Allowable Encroachments - Walkways

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142 "Zoning Districts And Regulations," Article IV "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations" By Amending Section 142-1132 "Allowable Encroachments Within Required Yards," Section 142-1132(O) "Projections" By Amending The Permitted Width Of Walkway Encroachments In Required Yards For Purposes Of Complying With Accessibility Requirements, And By Clarifying Technical Language Regarding Allowable Encroachments; Providing For Repealer; Codification; Severability And An Effective Date.

10:35 a.m. Second Reading Public Hearing.

(Planning Department)

(First Reading on July 11, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3568 adopted. Motion made by Commissioner Gross; seconded by Commissioner Góngora ; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 448

1:01:56 p.m.

4:08:13 p.m.

R5F Single Family Partial Demolition Procedures

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District; Providing For A Repealer, Severability, Effective Date, And Codification. **10:40 a.m. Second Reading Public Hearing.**

(Planning Department)

(First Reading on July 11, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3569 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Amendment:

142-108(e)(4):

(a) "..... public right-of-way (~~excluding rear alleys~~),"

(b) "..... public right-of-way (~~excluding rear alleys~~),"

Thomas Mooney, Planning Department, recommended the Commission made the above amendments.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 448

1:04:12 p.m.

4:10:30 p.m.

R5G Comprehensive Plan Amendment - Public School Facilities Element
An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, As Amended, By Adding A New Element Entitled "Public School Facilities Element," And Amending The Intergovernmental Coordination Element And The Capital Improvements Element, Where Necessary, To Implement Changes To Florida's 2005 Growth Management Laws Addressing Public School Facilities. **11:15 a.m. First Reading, Public Hearing**
(Planning Department)

ACTION: First Reading and Public Hearing held. Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Second Public Hearing will be scheduled after the Department of Community Affairs (DCA) and other state and regional agencies have reviewed and approved. Jorge Gomez to transmit to the appropriate agencies.

Commissioner Libbin stated that there is a lack of clarity as to what the City has and will not have as responsibilities, and asked if the City should be going to the State or the School Board before the second reading. When can the City go for clarity?

Jorge Gonzalez, City Manager, stated that this is a much higher level public planning document and does not drill down to the detail, street by street, level. He asked Jorge Gomez to explain further.

Jorge Gomez, Planning Director, explained that this is a very broad part of the City's Comprehensive Plan and this is in response to State Statute that requires the City to add the separate elements into the Comprehensive Plan. He explained that there are other parts that will come that are related to this, and one of them is the Interlocal Agreement; the School Board is working on this right now and all the municipalities will get to sign off on it. He explained that the Interlocal Agreement does not get down to the level of what happens when there are infrastructure deficiencies and who is responsible of taking care of them. This issue will be looked at in the Interlocal Agreement and at least the language can be added and the mechanism to resolve issues.

Commissioner Libbin stated that Jeff Bercow raised a number of questions on issues at the Planning Board and they seem reasonable questions that nobody seems to have the answers to. He wonders when and how will they be able to have more information on these issues.

Jorge Gomez, Planning Director, stated that Mr. Bercow was representing the Builders Association and his concerns deal with the concurrency mechanism that the School Board will be coming up with and the concurrency ordinance that this Commission will review, once it comes out of the School Board and Miami-Dade County. City staff will be able to assess it and see what impact it will have on Miami Beach. He stated that some of the issues that Mr. Bercow raised will be addressed, or at least evaluated, when the ordinance is brought in front of the City Commission. **Jorge Gomez to handle.**

Jorge Gonzalez, City Manager, explained that the State Statute has specific procedures for dispute resolutions, if it ever got to that point, between two Interlocal parties.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 449

12:01:03 p.m.

3:05:48 p.m.

R5H CANDO District

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 7 Entitled "Cultural Arts Neighborhood District Overlay (CANDO)," By Including "Location And Purpose," And "Compliance With Regulations," Including Minimum And Average Unit Size For Rehabilitation And New Construction Projects, Mixed Use Floor Area Ratio (FAR) Incentives Where Permitted In Order To Accommodate Affordable Housing For Cultural Arts Workers; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

Mayor Dermer thanked everyone who has been involved in the process, he thanked the board members for their volunteerism, the staff for the hard work, and recognized Jorge Gonzalez, City Manager, Hilda Fernandez, Assistant City Manager, Jorge Gomez, Planning Director, and his colleagues, for their efforts and support.

Hilda Fernandez, Assistant City Manager, gave an overview of the proposed ordinance and explained that at the recommendation of CANDO an item was presented to the Land Use and Development Committee to create incentives and opportunities in the CANDO district with the idea of creating an "artist colony" on Miami Beach. She added that subsequently, the proposed ordinance was referred to the Planning Board and was unanimously approved on June 26, 2007, with a recommendation of improving the definition of artists. She added that the proposed ordinance contains zoning incentives for developers that propose to do housing for cultural workers; additionally they must meet the HUD defined affordability guidelines. She added that the idea is to make a percentage of these units available to cultural workers who are income eligible; with the provision that if the developer cannot make the units available to cultural workers, who are income eligible, within a certain amount of time, those units will become available to income available individuals, to ensure the units are used as affordable housing, as recommended by CANDO. She continued saying that since the incentives involved zoning the concern is that a sharing mechanism is in place so that in the future affordable housing remains. In answering Mayor Dermer's question, she stated that this proposed ordinance will not have a fiscal impact on the City.

Jorge Gomez, Planning Director, explained that this ordinance allows, if one has to set aside for the cultural workers or low income housing units in the area, to take advantage of the FAR increase within some districts, it provides for the minimum unit size and not the minimum average size for rehab buildings, as well as for new construction and creates a parking incentive.

Discussion continued.

Commissioner Libbin suggested that between first and second reading language should be added so that by the end of the two year period, if units are remaining, to make them available for workforce housing and close the loop so that the City does not end up with potential empty units. **Jorge Gomez to handle.**

Handout or Reference Material

1. Color Layout of the Cultural Arts Neighborhood District

1:15:07 p.m.

4:21:36 p.m.

R5I Designation Timeframes

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation", Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition", By Amending Section 118-591 To Modify Historic Designation Procedures; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading** (Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Libbin, seconded by Commissioner Góngora; Ballot vote: 6-1; Opposed: Vice-Mayor Bower. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Commissioner Libbin explained that this item was discussed at the Land Use and Development Committee. He explained that he raised an issue that sometimes when doing studies there is not a defined end-point. Language has been inserted in the ordinance that control of time frame would be made by the City Commission.

Vice-Mayor Bower stated that typically the analysis is given a one-year timeframe; and asked what is the extension time?

Jorge Gonzalez, City Manager, clarified that the current process is that if the Historic Preservation Board (HPB) gives direction to do a historic feasibility analysis, the Administration is obligated to create a Letter-to-the-Commission (LTC) and within sixty days any member of the Commission can decide to place a discussion item on the Commission Agenda. During the discussion and after a 5/7 vote, if the Commission decides to proceed, the Commission can establish a completion date other than the default one-year. He continued explaining that once the completion date is reached and the analysis is not complete, staff would normally go to the HPB to seek an extension. This ordinance changes the extension authorization from HPB to the Commission.

Vice-Mayor Bower stated that she disagrees with this ordinance and believes the HPB ordinance is being "watered down" because she believes there should be the standard one-year. She added that she will not support this ordinance change.

11:41:10 a.m.

2:46:38 p.m.

R5J An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Division 17 Entitled: "Commission On The Status Of Women" So As To Change Its Name To "City Of Miami Beach Commission For Women"; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Requested by Commissioner Michael Góngora & Vice-Mayor Matti Herrera Bower)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Legal Department to handle.**

Gail Harris spoke.

Dr. Ragone spoke.

2:05:35 p.m.

5:12:43 p.m.

- R5K An Ordinance Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property," By Amending Article IV, Thereof Entitled "Beaches," By Amending Division I, Entitled "Generally," By Amending Section 82-441 Entitled "Fishing From Viaducts And Bridges" By Prohibiting Fishing In The Jetty Area Between 29th And 33rd Streets And In Restricted Swim Areas In The City; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Requested by Commissioner Simon Cruz)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Legal Department to handle.**

Commissioner Cruz explained that there was a jetty between 29th and 33rd Street for sand renourishment, which has become an area where individuals are coming to fish, and is creating a safety hazard from the hooks being left in the sand and floating in the water, and also because it is attracting bigger fish and potentially sharks to come into the area and threaten bathers. He added that there is nothing in the City Code to prevent this activity and that is the reason he placed this item on the agenda.

1:31:19 p.m.

4:38:25 p.m.

- R5L An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Florida, Entitled "Public Property," By Amending Article IV Thereof, Entitled "Uses In Public Property," By Amending Division 6 Thereof, Entitled "Prohibited Signs Over Public Property," By Amending Sections 82-411(D)(1)(A) And 82-411(D)(5), And Creating New Sections 82-411(D)(5)(C) And 82-411(D)(8); Said Amendments Related To The Placement Of Banners On The Public Right Of Way And Prohibiting The Placement Of Any Banners On Collins Avenue, Between 47th And 63rd Streets; Providing For Repealed, Severability, Codification And An Effective Date. **First Reading.**
(Tourism & Cultural Development)

ACTION: Item deferred.

Commissioner Góngora explained that at the Neighborhoods/Community Affairs Committee Joe Fontana had been instructed to obtain various petitions from the neighborhood associations, some of which were collected, but at this time they don't know where they can be found; therefore, this item should be deferred to a later time.

Handout or Reference Material

1. Letter from the Miami Beach Visitors and Convention Authority to the Mayor and City Commission, dated August 30, 2007 RE: Prohibition of light pole banners.

1:57:24 p.m.

5:04:28 p.m.

R5M An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communication Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; Effective In The First Pay Period Ending In October Of 2006, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); Effective With The First Pay Period Ending In October Of 2007, There Shall Be An Across The Board Wage Increase Of Five Percent (5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Five Percent (5%); Effective With The First Pay Period Ending In October Of 2008, There Shall Be An Across The Board Wage Increase Of Four Percent (4%); And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Four Percent (4%); And Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; And By Abolishing The Classification Of Water Service Representative, And Establishing The Classification Of Water Meter Supervisor In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, OPIEU Local 100, (GSAF); By Abolishing The Classification Of Administrative Aide II/Risk Management And Establishing The Classification Of Storekeeper III, In Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit, Providing For A Repealer, Severability, Effective Date And Codification. **First Reading.**

(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Ramiro Inguanzo to handle.**

1:59:53 p.m.

5:06:51 p.m.

R5N An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Abolishing The Classifications Of Arts, Culture & Entertainment Director, Log Cabin Education Coordinator, Log Cabin Employment Specialist/Job Coordinator, Log Cabin Instructor, Log Cabin Program Administrator, Log Cabin Driver/Instructor Aide And Recreation Supervisor II; Establishing The Classifications Of E-Government Administrator, Management Intern, Parks & Recreation Analyst, Senior Administrative Manager, Social Worker Intern And Quality Assurance Officer; Amending The Grade Of Customer Service Liaison; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**

(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Libbin; seconded by Vice-Mayor Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Ramiro Inguanzo to handle.**

Handout or Reference Material

1. Ordinance distributed at the dais.

2:01:12 p.m.

5:08:13 p.m.

- R50 An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Communication Workers Of America (CWA) And "Others" Classifications In The Classified Services Not Covered By A Bargaining Unit; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, explained that this ordinance adjusts the payout at termination or separation of an employee to allow for more hours of sick and annual leave to be paid out at their separation, and it also recognizes the sick-leave-buyback program that was negotiated into the contract. This is a new method implemented by the Administration to encourage better attendance by actually providing incentives to the employees not to use their sick leave and at the end of the year employees can buy some of the sick time at a lower hourly rate than perhaps at a future date. In addition this also avoids overtime costs.

2:02:45 p.m.

5:09:47 p.m.

- R5P An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**
(Human Resources & Risk Management)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 17, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, explained that this ordinance accomplishes the same as item R50 except this is for the unclassified employees.

Richard McKinnon congratulated Jorge Gonzalez, City Manager, and the City staff for a great job. He thanked the City Commission on behalf of the members of the CWA for a fair contract. In answering Commissioner Gross' questions regarding the vote, he responded that over 458 employees, it varies, are represented by CWA union and there were 239 members that voted; 234 voted in favor and five against.

Jorge Gonzalez, City Manager, stated that since he has been with the City of Miami Beach this is probably the smoothest negotiation process the City has had with CWA. He thanked Richard McKinnon and his bargaining team for working through the issues. Clearly there were some challenges which required both parties to work through the issues. He recognized Linda Gonzalez, Michael Reyes and Peter Nyamora for doing a lot of the analysis. He added that he believes this is a fair contract and it is consistent with what has been done with our other employees. The City is pretty much done with union issue until 2009.

- R7A A Resolution To Consider Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, A Proposed Development Agreement Between The City Of Miami Beach And Miami Beach Garden Conservancy, Inc., Establishing The Terms And Conditions By Which The Conservancy Shall Administer The Design And Construction Of Certain Improvements To The Botanical Garden (The Project), Located At 2000 Convention Center Drive, Miami Beach, Florida, To Be Funded From Previously Appropriated Series 2000 General Obligation Bond Funds, In The Amount Of \$1.1 Million, Specifically Programmed For This Project. **10:50 a.m. Public Hearing.**

(Economic Development)

ACTION: Item withdrawn.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 446

1:03:59 p.m.

4:10:10 p.m.

- R7B A Resolution To Consider At A Public Hearing, An After-The-Fact Revocable Permit Request By Mr. Carlo Gambino, As Owner Of The Residential Property Located At 5600 La Gorce Drive, To Retain The Eastern Portion Of An In Ground Swimming Pool And At Grade Concrete Pool Deck, Built Within The Rear Platted Five (5') Foot Public Utility Easement Adjacent To The La Gorce Golf Course. **11:00 a.m. Public Hearing.**

(Public Works)

ACTION: Item opened and continued to December 12, 2007 at 11:00 a.m. Lilia Cardillo to place on the City Commission Agenda. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 447
2. Letter from Michael W, Larkin with Bercow Radell & Fernandez, to Jorge Gonzalez, City Manager, dated August 31, 2007, RE: Request to Open and Continue Public Hearing.

12:16:56 p.m.

3:22:15 p.m.

R7C A Resolution Affirming A Design Review Board Decision Pertaining To DRB File No. 9024, Located At 1330 West Avenue. **11:30 a.m. Public Hearing.**
(Planning Department)

ACTION: Item Opened and Continued to October 17, 2007 at 11:30 a.m., and referred to the Neighborhoods/Community Affairs Committee without objection. Vivian Guzman to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez and Legal Department to handle.**

W. Tucker Gibbs requested to continue the public hearing to the Commission Meeting of December 12.

Mayor Dermer requested to continue the negotiations and report back at the October Commission Meeting on the status.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 444
2. Letter to Gary Held, First Assistant City Attorney, from W. Tucker Gibbs, P.A., dated August 29, 2007 RE: Appeal of the DRB Decision by the Waverly at South Beach Condominium.
3. Email from Robert Parcher to Thomas Mooney dated August 14, 2007 RE: DRB Appeal 1330 West Ave.
4. Transmittal letter from Robert Parcher, City Clerk, to Mayor David Dermer and Members of the City Commission dated August 22, 2007 RE: Design Review Board Appeal – 1330 West Avenue.
5. Appeal of the Waverly at South Beach Condominium Association Presentation from DRB Board's Denial of Request for Clarification to the City of Miami Beach City Commission.

1:09:44 p.m.

4:16:36 p.m.

R7D A Resolution Adopting The Evaluation And Appraisal Report (EAR) Of The Miami Beach Comprehensive Plan And Authorizing And Directing The City Administration To Transmit The Report To The State Of Florida Department Of Community Affairs And To All Other Required State And Local Governmental Review Agencies In Accordance With Section 163.3191. **First Reading.**
(Planning Department)
(Evaluation & Appraisal Report Comprehensive Plan To Be Submitted Under Separate Cover)

ACTION: Title of the Resolution read into the record. Resolution No. 2007-26625 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0. Second Reading and Public Hearing scheduled for September 26, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

Commissioner Libbin asked that the Administration organize a workshop in the January/February timeframe to flush out new objectives that need to be looked at for possible consideration. **Jorge Gomez to handle.**

Handout or Reference Material

1. Document titled: Evaluation and Appraisal Report of the City of Miami Beach Comprehensive Plan dated June 2007

1:50:07 p.m.

4:56:53 p.m.

R7E A Resolution Ratifying A Three Year Labor Agreement Between The City Of Miami Beach And The Communications Workers Of America Local (CWA), 3178 For The Period From October 1, 2006 Through September 30, 2009, And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Labor Relations)

ACTION: Resolution No. 2007-26626 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0. **Linda Gonzalez to handle.**

Commissioner Libbin stated that the standard practice when COLA's are awarded is to also increase the minimum and maximum ranges. He stated that he does not believe this is the way it should be done; the maximum salary should not be increased. This has been done for the other unions and we need to do it with the contract but this is something that needs to be considered in the future. This is something that needs to be worked out between now and 2009.

Commissioner Gross agreed with Commissioner Libbin and stated that this was discussed at length at the Finance and Citywide Projects Committee meeting with instructions to the City Manager to hire a consultant to do a classification study. It also requires the City Commission to have the political will when the results are received to act.

Jorge Gonzalez, City Manager, stated that the Administration is preparing a Request for Qualification/Proposals for a job classification analysis. He noted that this is not an inexpensive proposition but a worth proposition. As Commissioner Gross indicated, be careful of the answers. The RFP will be presented to the City Commission in the future. **Ramiro Inguanzo to handle.**

Handout or Reference Material

1. Letter from Richard D. McKinnon, President of CWA Local 3178, to Jorge Gonzalez, City Manager, dated August 31, 2007, RE: results of the CWA vote.

1:32:01 p.m.

4:39:18 p.m.

R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement Between The City And Camp Dresser & McKee, Inc., Dated December 11, 2002, For Professional Engineering Services For Citywide Sanitary Sewer Improvement Projects; Said Amendment Increasing The Consultant's Maximum Allowable Compensation, From A Not-To-Exceed Amount Of \$2,000,000, To A Not-To-Exceed Amount Of \$3,640,000 For Engineering Services Related To The City Sanitary Sewer Collection And Transmission System Study, As Required By The Department Of Environmental Resources Management (DERM).

(Public Works)

ACTION: Resolution No. 2007-26627 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Góngora; Voice vote: 7-0. **Fred Beckmann to handle.**

1:34:14 p.m.

4:40:54 p.m.

- R7G A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The 16th Street Operational Safety Improvements And Enhancement Project, And Authorizing The Administration To Proceed With The Design Development, Construction Documents, Bidding And Award, And Construction Phases Of The Project.
(Public Works)

ACTION: Resolution No. 2007-26628 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Bower, Voice vote: 7-0. **Fred Beckmann to handle.**

Handout or Reference Material

1. Color booklet titled "16th Street Phase I – Basis of Design Report - Executive Summary" dated August 2007.

5:09:46 p.m.

- R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Contract With Horizon Contractors Inc., In The Estimated Amount Of \$6,299,754.92 For The Construction Of The North Beach Recreational Corridor Pursuant To Invitation To Bid No. 27-06/07.
(Public Works)

ACTION: Resolution No. 2007-26629 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice vote: 7-0. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that this is one of those projects that have been coming for a long time. This is the stretch in the northern end which is going to connect a number of parks along the way, starting at North Shore Open Space Park down to 64th Street. This project has had numerous public comments and there have been discussions on the dais on more than one occasion; the City has worked with owners of Altos del Mar single family lots sections to try to accommodate their concerns and the City has gone through the Department of Environmental Protection (DEP) permits and grants to secure the project. The Administration is seeking approval to issue the contract.

Robert Middaugh, Assistant City Manager, gave an overview of the project.

Fred Beckmann, Public Works Director, using diagrams, explained the North Beach Recreational Corridor Project.

Commissioner Libbin asked if anything has changed, as far as construction materials which will be used, from 2003 and today.

Fred Beckmann, Public Works Director, stated that the materials have not changed.

Jorge Gonzalez, City Manager, stated that there was a concern expressed by some of the residents that the construction material could become a danger during a hurricane storm surge.

Fred Beckmann, Public Works Director, stated that in 2002 the City was specifically directed by DEP to do testing of the concrete path and to test different size concrete slabs to make sure that the right dimension of the slab was designed. After testing, it was determined that 5 x 5 foot sections were the ideal slab size. This is the slab type that DEP approved. In addition, the weight of one of the slabs is over one-thousand pounds.

Discussion continued.

Commissioner Gross asked a representative from Coastal Systems International, Christy Brush, that in the event of a storm, storm surge, or wind, as an engineer, is this something the citizens should be concerned about?

Christy Brush, Coastal Systems International, explained that DEP has a standard by which one has to design structures seaward of the coastal construction control line. She added that the standard for design is a 100 year storm event which has a storm surge of about 13 ½ feet for this area of the beach. There are a couple of items to evaluate, one is wind and the weight of the 5 x 5 ft slabs is greater than expected wind loads at the ground level; and the other is erosion forces, and under a major hurricane event like a category 4 or 5, that dune could erode and portions of the path could become undermined. The full scale test was performed where the slabs were undermined to ensure they would fail; the slabs will sink into the sand.

Mayor Dermer asked if it is more likely the boardwalk will be blown away.

Christy Brush, Coastal Systems International, responded, "oh yes; the boardwalk will be scattered all over the place; absolutely."

Commissioner Steinberg asked, in her professional opinion, is it likely that these concrete slabs in the event of a major storm would end up in someone's home or in a condominium on the other side of Collins Avenue?

Christy Brush, Coastal Systems International, stated that definitely this would not be the expectation; it is the requirement of the State that they demonstrate, which was done, that these pieces of concrete not become water or wind born missiles during a storm event and added in answering Commissioner Steinberg's question, that this will not affect insurance rates.

Bonita Bona-Moline spoke.

Mary Michel spoke.

Christopher Coskin, president of Bella Mar Condominiums, spoke.

Peter Saile spoke.

Mark Weithorn, North Beach Development Corporation, spoke.

Tony Weaver spoke.

Barry Klein spoke.

Michael Larkin, Esq., spoke.

Marlene Saile spoke.

Leonor Hernandez spoke.

Daniel Veitia spoke.

Deborah Ruggiero spoke.

Aurea Leal spoke.

Lucero Levy spoke.

Loreyne Alicea spoke.

Discussion continued.

Vice-Mayor Bower stated that residents are concerned with safety and security. Are the residents allowed to install a fence?

Robert Middaugh, Assistant City Manager, while waiting for Jorge Gomez, Planning Director, to address the issue of the fence, explained that the next step is to do a "kick off" meeting and to invite all residents to share all the information available.

Jorge Gomez, Planning Department Director, explained that residents are allowed to have a fence on

their property line and believes it can be five feet height on the ocean side, but would need to check the City Code to see the exact placement.

Discussion continued.

Commissioner Gross stated that this is one of the single greatest projects that will be a legacy of this City Commission and he is excited this City Commission can approve this project. He stated that there will be a walkway from 1st Street all the way to 87th Street along the beach. He is comfortable with the City's engineer's opinion that the State has approved it, and hopes the residents who attended this meeting are comfortable. He reassured the residents that slabs are not a danger to their homes, and that their insurance rates will not be affected.

Motion made by Commissioner Gross, seconded by Commissioner Steinberg.

Commissioner Libbin recommended that the Administration have a full blown presentation for the NBDC meeting of September 18, with engineers to be able to satisfy the safety questions and advertise publicly and get the word out.

Jorge Gonzalez, City Manager, recommended that this presentation take place during the City's kick-off meeting. NBDC will have their meeting and the Administration needs to plan the kick-off meeting, which will include the City's engineers as well as contractors, the foreman, the project manager and everyone involved. **Fred Beckmann to handle.**

Commissioner Góngora asked what is the anticipated timeframe for the kick-off meeting.

Jorge Gonzalez, City Manager, stated contract documents need to be executed and permits need to be pulled, so it will take approximately two months.

Handout or Reference Material

1. Site Plan and Emergency Vehicle Access titled "North Beach Corridor – Phase 1, 2, and 3
2. Potential Modifications to be Explored by City with regard to North Beach Recreational Corridor.

6:20:31 p.m.

R7I A Resolution Calling For A November 6, 2007 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The Charter Should Be Amended To Provide That When A "Hospital District" Is Rezoned, Such Property Shall (In Accordance With Procedures Established By Ordinance) Be Rezoned To A District Or Combination Of Districts With A Floor Area Ratio No Greater Than The Abutting Land (Sharing Lot Line), Except That "Hospital District" Property Exceeding 15 Acres May Exceed This Limitation If Adequate Buffers Are Provided To Protect Abutting Uses. **First Reading.**

(Requested by Vice-Mayor Matti Herrera Bower/City Attorney's Office)

ACTION: Item heard in conjunction with R7J. This item was deferred to the October 17, 2007 Commission Agenda. See action and comments under R7J.

6:20:31 p.m.**6:31:46 p.m.**

R7J Discussion Regarding A Resolution Calling For A November 6, 2007 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Of Miami Beach Should Be Authorized To Issue General Obligation Bonds Not Exceeding \$95,000,000 In Principal Amount, Payable From Unlimited Ad Valorem Taxation, Bearing Interest At Rates Determined At The Time(s) Of Sale Thereof Not Exceeding The Maximum Legal Interest Rate At Such Time(S), To Purchase The "Miami Heart Institute" Sites Located On West 47th Court In Miami Beach And Construct A Public Park And Related Improvements Thereon.
(Requested by Commissioner Simon Cruz/City Attorney's Office)

ACTION: Resolution No. 2007-26630 adopted. Item heard in conjunction with R7I. **Final motion by Commissioner Libbin to call for a Special Election on the Issuances of General Obligation Bonds to purchase the "Miami Heart Institute" Question (R7J) for the November 6, 2007 ballot and place Vice-Mayor Bower's proposed ballot question on the October 17th Commission Agenda for consideration. In addition, request an Attorney General Opinion (See below); seconded by Commissioner Cruz;** Ballot vote: 4-3; Opposed: Mayor Dermer, Vice-Mayor Bower and Commissioner Gross. Lilia Cardillo to place Item R7I on the October 17, 2007 Commission Agenda. **Robert Parcher to place on the November 6, 2007 ballot.**

Request Attorney General Opinion

At the suggestion of City Commissioner Richard Steinberg, the Miami Beach City Commission unanimously requested an Attorney General opinion to provide legal advice to the City on a question concerning interpretation of Fla. Statute section 112.3167(12); specifically, advice is sought as to the applicability of the statute to Vice-Mayor Bower's proposed ballot question which would amend the city charter by requiring that any rezoning of "hospital district" property be limited to a district or combination of districts with a floor area ratio no greater than the abutting land, excepting from this limitation "hospital district" property exceeding 15 acres if adequate buffers are provided to protect abutting land.

End

Mayor Dermer introduced the item and stated that Commissioner Gross referred an item to the Planning Board to make all HD (Hospital District), if sold or the use changes, to make the zoning a compatible use for the surrounding area [July 11, 2007 – R9K]. The Planning Board heard the item and continued the matter. Subsequent to that, Vice-Mayor Bower put Commissioner Gross' proposal into a referendum question [Agenda item R7I] and Commissioner Cruz has also put forth a referendum questions to issue bonds to purchase the Miami Heart Institute and make it into a park [R7J]. He explained that if an item is to go on the November 6 2007 ballot, the resolution calling for a Special Election will need to be passed today.

Vice-Mayor Bower explained the reason behind her referendum question.

Gary Held, First Assistant City Attorney, read the title of the ballot question. He clarified that this ordinance is significantly different than what was presented at the Planning Board. He stated that this new language does not trigger a rezoning; this provides that when a hospital district is rezoned, there is a limitation on the FAR that would be provided for and it does not require a rezoning at any particular point in time, but it applies to voluntary or involuntary zonings as provided by ordinance.

Commissioner Gross stated that t the question doesn't specify "use" and he agrees; the real question is density and FAR. If rezoned, the FAR should be the FAR of the abutting properties.

Commissioner Góngora asked Gary Held about the legality of the ordinance sustaining a legal challenge.

Jose Smith, City Attorney, stated that the item would not be in front of the Commission if the Legal Department had any reservation about the legality of the ordinance. The Legal Department has addressed three separate issues that have been raised, including the contract clause argument and the issue of zoning by referendum. Finally, if there is a Bert Harris claim in a future, Legal is prepared to show that this ordinance is not going to trigger a Bert Harris claim. On the three possible legal challenges, this ordinance will withstand a legal challenge.

Gary Held, First Assistant City Attorney, read Florida Statute 163.3167 (12) and explained the zoning by referendum.

Commissioner Gross stated that at the Planning Board meeting an argument was made that the Comprehensive Plan would have to be amended first. He asked Legal to explain.

Gary Held, First Assistant City Attorney, provided an explanation and stated that there is no requirement that the ordinance can not be adopted without a Comprehensive Plan change.

Commissioner Cruz is proposing that the City issue a General Obligation Bond and purchase the site for a park. He cannot speak of the legalities in terms of a referendum, changing the uses or the FAR.

He added that during the ten years he has been a Commissioner, the only vote he regrets is the vote not to buy the Alaska Parcel; he also added that rarely does the City get an opportunity to buy waterfront area and convert to a park. He explained that in regards to compatibility, the only thing compatible with the area is a single family residence. He stated that the ideal situation would be a seven acre passive park on Surprise Lake, which would be a truly gift to the residents of Miami Beach. He asked for a legal opinion in reference to the ballot question to include that the City buy the property at a fair market value. The Legal Department opined that the bond must have a specific amount. He continued explaining that comparable sales for home in the areas were looked at and that's how essentially he came with \$95 million. He also received a call from Deede Weithorn who volunteered to analyze what it would cost per household per month to be able to issue bond to buy the site at the prescribed \$95 million.

Jorge Gonzalez, City Manager, explained the analysis of what the cost would be to the average homeowner (see handout).

Mark Derr spoke.

Henry Lowenstein spoke.

Jeff Cohen spoke.

Lilly O. Furst spoke.

Michelle Burger spoke.

Steve Chaneles spoke.

John Corey spoke.

Gabrielle Redfern spoke.

Randy Weisburd.

Gary Held, First Assistant City Attorney, corrected a statement which was made by stating that Vice-Mayor Bower's ballot question would not provide for single-family homes on any of the affected properties. He further clarified that the provision is that the FAR would match the abutting property; as to Miami Heart Institute (MHI) and all Hospital Districts in the City of which there are four (4), but specifically to MHI the abutting property line is RM1 which provides a 1.25 FAR.

Louise Bower spoke.

Bruce Reich spoke.

Sandy Horowitz, Chairman of Miami Beach Chamber, read a resolution.

Steve Sonnereich, President and CEO, Mt. Sinai Medical Center, spoke.

Paul Kress spoke.
Henri Spiegel spoke.

Commissioner Gross gave an overview of the covenant (parking lots which are zoned RM1 which about the hospital site) between the homeowner association and Mt. Sinai.

Roger Merritt spoke.
Leonard Wien spoke.

Motion made by Commissioner Libbin to place the park ballot question in the November election and the compatible use ballot question approved and placed in the January elections; seconded by Commissioner Cruz.

The discussion continued regarding both ballot questions.

Final motion as amended made by Commissioner Libbin to have the park question on the November ballot and Vice-Mayor Bower's proposal on the October 17th Commission Agenda for consideration for January ballot.

Discussion continued.

Commissioner Steinberg agreed with the idea of doing both bond issue ballot questions at different times and asked the mover to **add to the motion a friendly amendment, that in the interim, the City request an opinion from the Attorney General to find out whether or not the City is in good legal grounds as opposed to giving false hopes to residents.**

Commissioner Libbin accepted the amendment.

Mayor Dermer asked Patricia Walker, Chief Financial Officer, a number of questions regarding the purchase of the park.

Commissioner Gross asked how this will affect the bonds which the City is already planning on selling.

Jorge Gonzalez, City Manager, stated that the Administration is trying to size a water and sewer bond. In the past the City Commission has forwarded funded projects from other projects to get those projects started and the choices on the water and sewer bond issuance have already been made and just needs to be voted on. As of today, this is roughly estimated in the neighborhood of \$130 million. In addition, they know, based on the various BODR approved, that there is a funded component and a list of unfunded requested by neighborhoods where there just isn't enough available funding. The requests are documented. He stated that it has been at least a year and a half since he has looked at the unfunded, but back then it was in the order of \$25 to \$30 million, and that's just for the right-of-ways projects. There are other projects which have been discussed, such as the Indian Creek Greenway, moving Property Maintenance out of Flamingo Park and other work at Flamingo Park; and there are other elements of Beachwalk that are unfunded. He added that he cannot estimate the costs of the outstanding list of projects. The Administration envisions at some point bringing a list of projects to be funded by General Obligation bonds for Commission consideration. He added that the debt capacity has not been analyzed lately because the City has not anticipated issuing debt lately. When Wall Street analyzes our debt capacity, they will look at how much G. O bonds are outstanding along with any other outstanding debt and as well as all other non-City debt (County, RDA, etc). He stated that there is debt capacity but cannot say how much.

Commissioner Cruz talked about the City's debt capacity.

Discussion continued.

Vice-Mayor Bower asked if the Planning Board will have made their decision by the next Commission meeting (October 17).

Commissioner Cruz stated that at the October 17, 2007 Commission Meeting he would commit to vote on Vice-Mayor Bower's ballot issue to be placed on the January 29 ballot.

Handout or Reference Materials:

1. Memorandum from Jorge M. Gonzalez, City Manager, to Commissioner Jerry Libbin dated September 5, 2007 RE: Proposed \$95 Million General Obligation Bond Issue.

1:35:52 p.m.

4:42:15 p.m.

R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 10 To The Agreement Between The City And Jacobs Edwards And Kelcey, Inc, Formerly Known As Edwards And Kelcey, Inc., In An Amount Not To Exceed \$383,391, For Additional Design Services, For The Venetian Islands Neighborhood Right-Of-Way Improvement Project Bid Package No. 13C, Comprised Of San Marino, Di Lido, And Rivo Alto Islands; With Funding From 2006 Gulf Breeze Account 423-2127, Previously Appropriated For Design And Engineering In The Fiscal Year 2006-2007 Capital Budget.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26631 adopted. Motion made by Commissioner Cruz; seconded Commissioner Libbin; Voice vote: 7-0. **Jorge Chartrand to handle.**

Vice-Mayor Bower asked if there is any way to inform the residents why this project is taking so long.

Commissioner Cruz stated that drawings were at 90% completion and there were differences between what each island wanted in regards to the swales and sidewalks, so essentially each island voted independently what they wanted, and this was tailored made for each island and all of this took time and some of the residents were not aware of this.

Jorge Gonzalez, City Manager, stated that in this neighborhood it seems that the City has gone above and beyond engineering efforts, this is the third and final design and residents are happy with this and they will proceed as quickly as possible into construction.

Handout or Reference Material

1. Engineering drawings of typical section – Dilido Drive and Terraces, Rivo Alto Drive and Terraces, and San Marion Drive and Terraces – Venetian Islands Homeowners Association (VIHA).

5:07:12 p.m.

R7L A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Perpetual Non-Exclusive Easement Agreement Between The City And North Carillon, L.L.C., The Developer Of The Canyon Ranch Project At 69th Street And Collins Avenue, Providing For The Conveyance To The City Of An Easement On The South Side Of 69th Street For Public Right-Of-Way Purposes, Providing For Installation And Maintenance Of Improvements Thereto, And In The Abutting Public Right-Of-Way To The North, From Collins Avenue To The Beach, Providing For Payments To The City And Other Matters Agreed Between The Parties, The Form Of The Agreement Being Subject To Final Approval By The City Manager And City Attorney, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof.
(City Manager's Office)

ACTION: Resolution No. 2007-26632 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Gross. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, explained that this is an agreement with Canyon Ranch and other affiliated entities which establishes a very good deal for the City of Miami Beach. The 69th Street street-end is a 20 foot wide easement to the beach. In negotiations with the Canyon Ranch representatives and the owners, it was agreed that the easement will be expanded to a 40 foot path with sidewalks and landscaping improvements and a street-end with all improvements being completed and paid for by the Canyon Ranch developer. There is also a contribution of \$500,000 that the developer is making to the City of Miami Beach which will be applied to funding the Beachwalk. The developer has also agreed to do extensive components of the Beachwalk behind their property. He added that this is a generous contribution made to the City and he recognized Eric Sheppard and Harold Rosen.

Mayor Dermer recognized and thanked Eric and everyone from Canyon Ranch and your support of the Beachwalk and stated that this would be positive for tourists and residents.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION: Appointments made.

Beautification Committee:

Jason Morginstin	Term expires 12/31/08	Appointed by Commissioner Libbin TL 12/14
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Commission for Quality Education in Miami Beach:

Eva Barreto	Term expires 12/31/07	Appointed by Vice-Mayor Bower TL 12/14
Ann Lampner	Term expires 06/30/08	Representative from Ruth K. Broad Elementary
Barbara Marfil	Term expires 06/30/08	Representative from Biscayne Elementary
Karen Rivo	Term expires 06/30/08	Representative from Nautilus Middle School

Housing Authority:

Leonard Turkel	Term expires 10/11/2011	Appointed by Mayor Dermer TL 10/11/11
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Personnel Board: Group III

Evette Phillips	Term expires 07/31/2009	Elected without opposition on 09/01/07
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Police Citizens Relations Committee:

Dina Dissen Term expires 12/31/2008 Appointed by Commissioner Libbin TL12/14

Transportation and Parking Committee:

Wendy Kallergis Term expires 12/31/07 Representative from the Miami Beach Chamber of Commerce

5:15:02 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments)
(City Clerk's Office)

ACTION: Health Advisory Committee appointment deferred.

1:10:00 p.m.**4:18:39 p.m.**

R9A2 Re-Appointment Of Leonard Turkel For Commissioner To The Miami Beach Housing Authority.
(Requested by Mayor David Dermer)

ACTION: Motion made by Vice-Mayor Bower to reappoint Leonard Turkel; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Cruz.

4:55:39 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

1:48:31 p.m.**4:54:58 p.m.**

R9C Discussion Regarding A Resolution Opposing Miami-Dade County's Elimination Of Beach Maintenance Between The Jetty At South Pointe Park And The 21st Street Beach And Urging Miami-Dade County To Reject The Proposed Beach Maintenance Budget Cuts Which Will Have A Negative Impact On The Appearance And Cleanliness Of Beaches Which Serve The Residents And Visitors In Miami-Dade County.

(Requested by Commissioners Michael Góngora & Jerry Libbin)

ACTION: Discussion Held. Resolution No. 2007-26633 adopted. Motion made by Commissioner Góngora and approved without objection. **Robert Parcher to transmit to Miami-Dade County Mayor, County Commission, and County Manager.**

2:33:20 p.m.

R9D Discussion Regarding Increased Street Vendors On Ocean Drive.
(Requested by Commissioner Jerry Libbin)

ACTION: Heard with C4E. See action C4E.

R9E Discussion And Referral To The Neighborhoods/Community Affairs Committee - An Ordinance Amending Chapter 82 Of The Miami Beach City Code, Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-4 - 82-5, Entitled "Reserved," To Prohibit Foods Containing Artificial Trans Fat In Vending Machines On City Property; Providing For Repealer, Severability, Codification, And An Effective Date.
(Requested by Commissioner Richard L. Steinberg)

ACTION: At the request of Commissioner Steinberg this item was approved via the Consent Agenda. Item referred. Vivian Guzman to place on the agenda. **Ana Cecilia Velasco to handle.**

11:46:51 a.m.

2:53:01 p.m.

R9F Discussion Regarding A Resolution Supporting And Endorsing The Special Event To Be Held By The Miami Rescue Mission/Broward Outreach Centers (The Mission), Said Event To Be Known As The "First Annual South Florida Sleep-A-Thon," And To Be Held On Friday, October 5th, 2007; Which Event Will Be Held In Several Locations Throughout Miami-Dade And Broward Counties To Raise Awareness Of Homelessness And Affordable Housing Issues In The South Florida Area.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Discussion Held. Resolution No. 2007-26634 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 7-0. **Vivian Guzman to handle.**

Marilyn Brummitt, with the Miami Rescue Mission, spoke.

Handout or Reference Material

1. Color brochure from the Miami Rescue Mission, Inc., August 2007 Issue titled "The Caring Place" Summer of Serving.

11:50:16 a.m.

2:56:56 p.m.

R9G Discussion Regarding A Resolution Recognizing Hialeah Park Race Track As A Valuable Local And National Historic Resource Of Great Importance And Urging The Owner John Brunetti, And Responsible Governmental Agencies Such As The City Of Hialeah And The South Florida Regional Planning Council, To Take Such Steps As Are Necessary And Appropriate To Preserve To The Greatest Extent Possible This National Historic Landmark.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Discussion held. Resolution No. 2007-26635 adopted as amended. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. R Parcher to transmit to the Mayor of Hialeah and to the South Florida Regional Planning Council.

Amendment:

2nd whereas, should change the words "granted National Historic Landmark designation" to "....being declared eligible for National Historic Landmark designation....."

End

Alex Fuentes, Citizens' to Save Hialeah Park Race Track, spoke.

Gina Silvestre spoke.

Stanley Shapiro spoke.

Handout or Reference Material

1. Email from Gary Held to Robert Parcher dated September 03, 2007 RE: Hialeah Park Race Track resolution.
2. Amended WHEREAS Clauses

1:12:30 p.m.

4:18:57 p.m.

R9H Discussion Regarding The Progress Report And Recommendations For The Ad Hoc Green Committee.

(Requested by Commissioners Michael Góngora)

ACTION: Commissioner Góngora gave a progress report on the three action Committee action items: 1) The Committee recommended the City Manager make it a matter of top priority to establish an action plan to comply with the goals of the U.S. Conference of Mayor's Climate Protection Agreement signed by Mayor Dermer. He summarized the action items passed by the Ad Hoc Green Committee; 2) Issue an RFP for performance contracting which will consist of performing an internal analysis of the energy systems of City building and more broadly City energy consumption in order to develop and implement long-term conservation initiative and, 3) contact marine facilities on Miami Beach and encourage their participation in the Department of Environmental Protection Clean Marine Program. He also explained that speakers are being sought to attend committee meetings and efforts are underway for travel funding.

Handout or Reference Material

1. Memorandum from Ad Hoc Green Committee to Mayor David Dermer and Members of the City Commission dated September 5, 2007 RE: Ad Hoc Green Committee Progress Report.

City Clerks cross-reference: Kyoto Protocol

2:30:12 p.m.

R9I Discussion Regarding The Ad Hoc Hurricane Taskforce Committee's Recommendation To The Mayor And Commission.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Item deferred.

1:43:24 p.m.

4:50:16 p.m.

R9J Discussion Regarding A Resolution Urging The Miami-Dade County Commission To Resolve The Miami-Dade County Film Office's Budget Shortfall Without The Need To Implement Permit Fees.

(Requested by Commissioners Michael Góngora)

ACTION: Discussion Held. Resolution No. 2007-26636 adopted as amended. Motion made by Commissioner Góngora; seconded by Vice-Mayor Bower; Approved without objection. 7-0. **Robert Parcher to transmit to Miami-Dade County Mayor, County Commission, and County Manager.**

Amendment:

Request that the County not charge at all for permit application, but if the County decides to charge do not charge for permits being pulled for exclusive filming on Miami Beach.

End

Commissioner Góngora stated that he attended several meetings of the Production Industry Council (PIC) who have been reviewing the proposed budget of Miami-Dade County and the PIC prepared this resolution. The County is considering charging up to \$100 per-permit application. The PIC is requesting Miami Beach to urge the County not charge any permit fee and if the County does to not charge anymore than \$100.

Jorge Gonzalez, City Manager, recommended going further than what the PIC is requesting. If the County feels they need to charge, then to cap the charge at \$100, and for permits being pulled for exclusive filming on Miami Beach should not have a fee. Throughout our budget process the Administration has faced the same issues and over the years the City has tried to eliminate all the fees and in addition, provide incentives to encourage this industry. The City of Miami Beach is against charging a fee, but if the County needs to charge a fee, charge for mainland site, not for Miami Beach locations.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)
ACTION: Written report submitted.
- B Parking Status Report.
(Parking Department)
ACTION: Written report submitted.
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)
ACTION: Written report submitted.
- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)
ACTION: Written report submitted.
- E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County League Of Cities June 7, 2007 Meeting.
(Requested by Vice-Mayor Matti Herrera Bower & Commissioner Richard L. Steinberg)
ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 5, 2007

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Michael Góngora
Member of the Board Saul Gross
Member of the Board Jerry Libbin
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of June 2007.

(Finance Department)

ACTION: Written report submitted.

- B Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of July 2007.

(Finance Department)

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned at 8:40:03 p.m.